IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 3715 /2004

PETITIONER

Smt Juwatiya Bai, widow of Late Gabdu alias Daulatram Verma, aged about 81 years, occupation agriculturist, resident of village Danganiyan, Tah. Nawagarh, Distt. Durg (CG) **(SINCE DEAD)**

Through: Legal Representative

Ramkhilawan, aged about 53 years, son of Late Swaroop Singh Kurmi, resident of Amora, Tah. Nawagarh, Distt. Durg (CG)

P.R. No. 3715/04
Presented by Shri
dated 23/12/04

VERSUS

RESPONDENTS

1. Hole Singh, aged about 65 years, son of Madho Singh Verma,

2. Babulal, son of Shri Prem Singh, aged about 58 years,

Both are resident of village Amora, Tah. Nawagarh, Distt. Durg (CG)

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA,

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3715/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

10-01-2005

Shri P.P.Sahu, counsel for the petitioner.

Heard on the question of admission.

The petitioner has filed the instant petition being aggrieved by the order dated 02-09-2004 passed by Civil Judge Class I, Bemetara, District Durg by which the application of the petitioner filed under order 6 Rule 17 of the C.P.C. for amendment in the cause title has been rejected on the oral objection of the Judgement debtor and also on the ground that the petitioner had not filed the will in the Court.

The main contention of the counsel for the petitioner is that the application for amendment filed by the petitioner in the Court below has been rejected only on the oral objection of the respondent.

After hearing the counsel for the petitioner and perusing the material available before me, I do not find any merit in the petition as the learned Court below has recorded a finding that petitioner has not produced the will in the Court and as such the petition is liable to be dismissed. Accordingly it is dismissed. However, the petitioner may approach the Court below for the relief which he has claimed in the instant petition, which shall be decided in accordance with law.

Sd/-
Dhirendra Mishra
Judge

GRPRJ—FS/78 —5/2006—50,000.